

In The Matter Of:
Hodell-Natco Industries, Inc. v.
SAP America, Inc, et al.

Terry Phillips
August 2, 2012

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Original File 08.02.12 Hodell-Natco Industries Inc. v. SAP America Inc_ et al. Witness Terry

Min-U-Script[®] with Word Index

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HODELL-NATCO)
INDUSTRIES, INC.,) Judge: Lesley Wells
Plaintiff,) Magistrate Judge:
vs.) Greg White
SAP AMERICAN, INC.,) No. 1:08 CV 2755
ET AL.,)
Defendants.)

- - -

VIDEOCONFERENCE DEPOSITION OF TERRY PHILLIPS

DATE: Thursday, August 2, 2012

TIME: 10:00 a.m.

PLACE: Reminger & Reminger
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1 A. I want to say that we tested the
2 same, you know, test cases that we did at any
3 other time, which would have been most of the
4 major functionality in the system.

5 Q. Is it fair to say that in your
6 personal experience, based on what you
7 witnessed, that although there had been some
8 improvements in performance and speed of this
9 system from the earlier stress test up to the
10 time of Go-Live, that right before the time of
11 Go-Live, you personally knew that the speed and
12 performance was unacceptable to Hodell; is that
13 fair?

14 A. It's fair.

15 Q. Did you tell anybody at Hodell
16 that you thought the speed and performance was
17 unacceptable right before Go-Live?

18 A. Sure. I mean, everyone knew the
19 results of the tests. Yeah, I voiced my
20 opinion.

21 Q. Okay. Who did you voice your
22 opinion to?

23 A. Kevin, the project manager at, or
24 I'm sorry, I don't know if it was Marcia.

25 Q. Marcia Weissman?

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1 A. Marcia Weissman. Yeah, I don't
2 recall other people, but I did voice my
3 opinion.

4 Q. And what exactly was your opinion
5 at that time just before Go-Live?

6 A. That the system was still very
7 slow.

8 Q. Did you have an opinion that you
9 reached just before Go-Live as to whether
10 Hodell should actually go live or if Hodell
11 should wait?

12 A. Yes. I thought that we should
13 wait and try to work out the issues.

14 Q. Did you express that opinion to
15 anybody?

16 A. Yeah, I expressed it to Kevin and
17 the LSi side.

18 Q. What do you recall telling Kevin
19 Reidl specifically with respect to your opinion
20 that Hodell should wait and not go live?

21 A. Other than that, I don't remember
22 specifically what was said.

23 Q. Okay. The decision, though, was
24 made to go live over -- even though you held
25 the opinion that Hodell should wait; correct?

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1 A. Yeah.

2 Q. And what transpired with respect
3 to the solution right after Go-Live?

4 A. What transpired with respect to
5 the solution?

6 Q. Better question is what did you
7 personally witness the solution doing right
8 after Go-Live so far as performance and speed
9 issues?

10 A. The same as before we went live,
11 slow.

12 Q. Slow. Was it slower, was it
13 faster, was it about the same?

14 A. I don't recall, you know, what the
15 difference was right before we went live. I
16 want to say that it was probably the same.

17 Q. Do you remember what month in 2007
18 you actually got your degree from Regis
19 University in computer science?

20 A. I believe it was June or July.

21 Q. So do you recall when Hodell went
22 live on the Business One system?

23 A. I believe it was March.

24 Q. Of 2007?

25 A. Yes, I believe so.

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1 as it would be used in a real-life Go-Live
2 scenario?

3 MR. STAR: Objection, form.

4 A. From what I remember, yeah.

5 Q. Okay. Do you have any personal
6 knowledge of anyone at Hodell-Natco not
7 following that instruction?

8 MR. STAR: Objection, form.

9 A. No.

10 I mean, if they weren't there that
11 day.

12 Q. You testified about performance
13 issues that you observed in the pre live
14 testing. Do you recall that testimony?

15 A. Yeah.

16 Q. You advised Kevin Reidl or you
17 expressed an opinion to Kevin that you didn't
18 feel like Hodell should go live. Do you recall
19 that testimony?

20 A. Yeah, I felt that Hodell should
21 just wait and have LSi work out the remaining
22 issues.

23 Q. Were you personally involved in
24 any communications between Kevin Reidl and
25 folks at LSi about the actual decision to go

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1 live?

2 A. I don't believe so.

3 Q. So you don't have any knowledge of
4 what was said from LSi to Hodell, and vice
5 versa, in reaching a decision to go live in
6 March of 2012?

7 MR. STAR: Objection, to form.

8 Q. Or March of 2007.

9 MR. STAR: Same objection.

10 A. No. Like I said, I don't know
11 what the reasons were for going live. I
12 know -- I mean, I was asked to give my opinion
13 about whether we were ready to Kevin and I gave
14 him my opinion, and he, to my knowledge,
15 evaluated that and, you know, made his
16 decision.

17 Q. To your knowledge, was that
18 decision made by Kevin alone or was he being
19 advised by folks at LSi regarding the decision
20 to go live?

21 MR. STAR: Objection to form.

22 A. I don't think he made it alone.
23 I'm sure he was, I'm sure it was, you know, a
24 panel of people deciding on it.

25 Q. You mentioned something about